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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,239	04/12/2004	Te-Sun Wu	JCLA12729	4072
23900	7590	12/02/2008	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2614	
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			12/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/823,239	WU, TE-SUN	
	Examiner	Art Unit	
	ALEXANDER JAMAL	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 September 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Based upon the submitted 7-30-2008 amendment, entered via rce, the examiner notes that claims 1, 8 and 14 have been amended.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-17** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims all recite a directional speaker that transmits a wave to a person at a distance. It is not clear what 'at a distance' would refer to. Applicant's specification gives no way to delineate at what distance 'keeping a distance' is considered to be. The examiner notes that the cited prior art is performing the same functions as claimed by applicant. The carrier waves in applicant's claimed invention and the prior art of record both require a 'distance' in order to perform the disclosed demodulation via air..

For the purpose of examination, the examiner maintains the prior rejections in the view that the disclosed prior art discloses a system where a speaker transmits to person

keeping a predefined distance from the speaker. The examiner maintains that any waveform output via a speaker will inherently have a ‘distance’ to the intended target.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-6,8,9,12-17 rejected under 35 U.S.C. 102(a) as being anticipated by Lygas (6532292).

As per **claim 1**, Lygas discloses a system that may be used with a phone system (Col 1 lines 10-25). The system comprises directional speaker elements 120,130 in Fig. 2 and a receiver (microphone) which audio signals are sent, but the microphone does not receive the directional speaker output (echo is reduced) (Col 1 lines 45-50). The system is used in a phone, where the means to transfer signals received by the microphone to a communications network are provided to perform the known telephone function of communication. Lygas discloses a “control unit” that comprises the telephone interface that operates in duplex, that would inherently be part of the phone that Lygas discloses the device may be used with (Col 1 lines 1-40). The “control unit” further comprises blocks 145,147 in Fig. 1 which send an audio signal from a communications network to

the speaker. The modulation performed by the control unit functions to “filter “ out the echo as per applicant’s definition of ‘filtering’ as defined in applicant’s specification paragraph 19: “Moreover, the method of filtering feedback echo is to direct an output audio signal to a specific direction. Thus quality telephony is achieved without complicated circuitry. “

Lygas is disclosing the **same** function.

As per **claims 8,14** they are rejected as per the claim 1 rejection. The ultrasonic modulating system functions to polarize a remote audio signal such that it propagates directionally through air.

As per **claims 2,9,15**, the directional speaker elements create a signal field of predetermined shape (which includes a predetermined direction and range). The field is created using an ultrasonic carrier wave. (Col 2 lines 1-20).

As per **claims 3,16,17**, the ultrasonic modulated signal is demodulated through air back into an audible signal (Col 3 lines 30-60) within the predetermined field.

As per **claim 4**, the receiver microphone is not within the range (it is only in the ear canal). There is a stated advantage that this setup will reduce echo (Col 1 lines 55-60).

As per **claim 5**, the device creates a field inside the canal of a listener, which would be a wedge with a predetermined direction and a characteristic direction (based on the shape) creating an angle of less than about 30 degrees (Col 3 lines 20-30).

As per **claims 6,12,13**, they are rejected as per the claim 1 rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7,10,11** rejected under 35 U.S.C. 103(a) as being unpatentable over Lygas (6532292) as applied to claims 1-6,8,9, above, and further in view of Li (US20040124739).

As per **claims 7,10**, Lygas discloses the ultrasonic directional speaker used for echo reduction, but does not specify the specifics of the audio signal modulating portion or any pre-compensation for the audio signal.

Li teaches an ultrasonic modulator for a directional speaker. The modulator comprises precompensator 200 (fig. 3) and ultrasonic modulator 204, AM unit 202, and power amplifier 206. It would have been obvious to one skilled in the art at the time of

this application to implement a known ultrasonic modulating system to provide the details (such as modulating type) left out by Lygas.

As per **claim 11**, it is rejected as per the claim 1 rejection.

Response to Arguments

1. Applicant's arguments have been fully considered but they are moot in view of the new grounds of rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

December 2, 2008